

MICHAEL C. SERVERIAN (SBN 133203)
**RANKIN, LANDSNESS, LAHDE,
SERVERIAN & STOCK**
96 No. Third Street, Suite 500
San Jose, California 95112
Telephone : (408) 293-0463
Facsimile : (408) 293-9514

Attorneys for Defendant
COUNTY OF SAN BENITO

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

E-FILED - 10/19/06

DANIEL BOGGLEN,

Plaintiff,

vs.

COUNTY OF SAN BENITO, and
DOES 1 through 10, inclusive,

Defendants.

Case No. C06-02490 RMW PVT

**STIPULATION AND ORDER POSTPONING
EARLY NEUTRAL EVALUATION UNTIL
PLAINTIFF'S COUNSEL CAN HAVE HIS
MOTION TO WITHDRAW AS COUNSEL
HEARD**

WHEREAS, plaintiff DANIEL BOGGLEN failed to attend his deposition noticed for
September 15, 2006 despite being provided advance notice of the deposition date.

WHEREAS, plaintiff's counsel William Marder has been attempting without success
to contact DANIEL BOGGLEN on and subsequent to September 15, 2006. Specifically,
plaintiff's counsel William Marder has dialed Mr. BOGGLEN's last name telephone
number and determined that the phone number has been disconnected. Additionally,
William Marder mailed to Mr. BOGGLEN a letter on September 18, 2006 and received no
response.

WHEREAS, the parties had previously scheduled an Early Neutral Evaluation for
September 19, 2006. This Early Neutral Evaluation was scheduled before Amitai

1 Schwartz of Emeryville. The Evaluator and the attorneys agreed to postpone this Early
2 Neutral Evaluation until October 4, 2006.

3 WHEREAS, plaintiff's counsel William Marder intends to file a motion to withdraw
4 from the case based on his inability to contact Mr. BOGGLEN and Mr. Marder's inability to
5 persuade Mr. BOGGLEN to attend court appearances.

6
7 WHEREAS, there is insufficient time to have the subject motion to withdraw heard
8 prior to the October 4, 2006 Early Neutral Evaluation, the parties desire that Early Neutral
9 Evaluation be postponed until Mr. Marder's motion to withdraw as counsel can be heard.

10
11 Dated: _____ Rankin, Landsness, Lahde, Serverian & Stock

12
13 By: /s/ Michael C. Serverian
14 Micheal C. Serverian, Esq.
15 Attorneys for Defendant
16 COUNTY OF SAN BENITO

17
18 Dated: _____ Polaris Law Group LLP

19
20 By: /s/ William S. Marder
21 William L. Marder
22 Attorneys for Plaintiff
23 DANIEL BOGGLEN

24 **ORDER**

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: 10/19/06
27 /s/ Ronald M. Whyte
28 UNITED STATES DISTRICT COURT JUDGE